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No. 97-0677

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1997

RANDY SAYLOR, SR., suing individually and DEBBIE SAYLOR, suing individually and as Next Friend of RANDY SAYLOR, JR., an infant,

Petitioners,

vs.

SAM B. SAYLOR, JIM ROARK, and WILLIAM A. LEE,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

RESPONDENTS' BRIEF IN OPPOSITION

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QUESTION PRESENTED FOR REVIEW

Petitioners seek review by this Court of the following question as framed by Petitioners:

> Are a state public school teacher and other school officials entitled to claim and receive qualified immunity or exoneration for their acts and conduct under federal civil rights law, if such individuals admit that they knowingly violated the published policy and regulations of the school system by acting or causing the corporal punishment of a pupil in violation of such policy, and if such individuals admit that excessive force was used for such punishment with resulting injury to such pupil?

PARTIES TO THE PROCEEDING

The parties to this proceeding are as named on the Petition and in this Brief in Opposition. None of the Respondents are subsidiaries or affiliates of publicly-owned corporations, nor do any publicly owned corporations have a financial interest in the outcome herein.

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RESPONDENTS' BRIEF IN OPPOSITION

Respondents Sam B. Saylor (teacher), Jim Roark (assistant principal) and William A. Lee (principal), by counsel, respectfully request that the Court deny the Petition for Writ of Certiorari seeking review of the July 22, 1997 Opinion rendered by the United States Court of Appeals for the Sixth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Sixth Circuit is to be reported in 118 F.3d 507 (1997) and appears as Appendix A of the Petition. The Opinion and Order of the United States District Court for the Eastern District of Kentucky entered on December 29, 1994, is unpublished, but appears as Appendix B of the Petition.

JURISDICTION

Petitioners invoke this Court's Jurisdiction pursuant to 28 U.S.C. Section 1254(1).

RESPONDENTS' STATEMENT OF THE CASE

The Respondents herein, comprised of the teacher, assistant principal and principal involved in administering corporal punishment to a student, do wish to correct

and clarify certain statements of the Petitioners. Specifically, the Petitioners have mischaracterized the operative school Code of Conduct, their own actions and the actions of the Respondents.

Randy Saylor Jr., an eighth grade student in the Harlan County School System at the relevant time, was admittedly involved in a fight at school. A copy of the Code of Conduct then in effect in the Harlan County School System is attached hereto as the Appendix (hereinafter abbreviated as "App."). Fighting is defined therein as a "major misbehavior" and both corporal punishment and suspension are among the authorized consequences. App. pp. 25-7. The Code includes the following explanation of the consequences of misbehavior: "A range of consequences has been provided for each incident of misconduct. The range is offered in order to provide school personnel with some flexibility in dealing with unacceptable behavior." App. p. 21.

The Code also addresses corporal punishment in some detail. In relevant part, the Code provides:

> In case of parental objection to corporal punishment an alternative course of action will be determined through a conference with the principal, referring teacher, parent(s) and student. If parents object to corporal punishment, it is their responsibility to notify the proper school official upon enrollment of the student. It may be necessary to remove the student from the class/ school until the parent(s) can be notified for a conference. (App. p. 11).

The parent Petitioners had objected to the administration of corporal punishment during the prior school

year, not upon enrollment of Randy, Jr. during the School year in question. Their objection had resulted from a paddling administered by another teacher, not the teacher-Respondent herein.

The teacher-Respondent Sam B. Saylor and the parent-Petitioner Randy Saylor, Sr. (no relation) disagree over whether the parental objection continued into the school year at issue. Teacher Saylor had met with parent Saylor earlier during the relevant school year in conference over a prior disciplinary problem, and teacher Saylor recalled that parent Saylor told him, "[i]f he gives you any more problems . . . I'm telling you to bust his ass . . . if that don't do any good . . . you call me . . . I'll take you [son] in front of that class and take my damned belt off and wear your ass out in front of that class." Petition, App. A-4. Parent Saylor essentially acknowledged the latter directive, but not the former. Petition, App. A-4, A-5. Parent Saylor did admit his own use of corporal punishment on his son. *Id.*

Whether the parent did or did not in fact authorize the use of corporal punishment during the school year in question, regardless, clearly the teacher sincerely believed the parent had authorized its use, because the teacher so reported that to the principal and the assistant principal months before the fighting infraction which led to the use of corporal punishment. In other words, teacher Saylor, contemporaneous with the parent conference and independent of the circumstances of this action, told both the principal and assistant principal of the communication with the parent Saylor which the teacher Saylor understood to be authorization to use corporal punishment. *Id.* Therefore, contrary to the question as

presented by Petitioners, there has been no admission of a knowing violation of the school policy concerning corporal punishment.

There is also some question as to whether the student Saylor protested the administration of corporal punishment because of the desires of his parents as alleged by Petitioners. The Respondents understood that Randy changed his mind and decided to accept corporal punishment instead of suspension because he would otherwise receive a "zero" on a test. Petition, App. A-7, A-8. Principal Lee testified the student also indicated he decided he would prefer corporal punishment because he did not want his father to find out he was in trouble again at school. In any event, there is no indication in the record that the student mentioned parental objection at the relevant time; he had been present during the prior parent/teacher conference when corporal punishment had been discussed. Similarly, the evidence on behalf of Respondents does not suggest that the student was coerced in any way, but rather made a legitimate decision based upon relative consequences of corporal punishment compared to suspension or parental conference. The student was fourteen years old at the time.

The Petitioners' statement to the effect that student Saylor was also suspended (in addition to corporal punishment) is likewise misleading. As the Code of Conduct specifically provides, when corporal punishment is not the chosen consequence then the student may be removed from school until a conference can be arranged with the parents. The "suspension" form given to student Saylor before he decided to take the corporal punishment provided for just that, indicating no specific days or dates

of suspension, but rather that the student's parents were to come to school. Petition, App. A-8. Regardless, as the Sixth Circuit Court of Appeals noted, "it is perfectly clear that the suspension was to be revoked if Randy took the paddling." Petition, App. A-17, fn.12. Randy did not experience the consequences of a suspension; he was allowed to make up the test and return to class immediately following the administration of corporal punishment.

The Petitioners themselves have acknowledged that they knew of no reason for the administration of the paddling other than as punishment for fighting in school. The Petitioners themselves have acknowledged that the "injury" from the paddling "was not severe." Petition, p. 5, App. A-8, A-9.

The Petitioners have also mischaracterized the proceedings below. The United States District Court for the Eastern District of Kentucky did not determine that there in fact had been a knowing violation of the Code of Conduct by the Respondents as alleged by Petitioners (Petition, p. 10). Rather, the Court stated that if the Petitioners could show they withheld consent, the violation of the Code of Conduct would state a claim for violation of due process (the Court found the corporal punishment policy mandatory, withdrawing "all discretion from school officials in deciding whether to impose corporal punishment once a parent followed appropriate procedures in objecting to the punishment.") Petition, App. C-5.

As to the Petitioners' references to post-paddling events, these allegations are beyond the scope of the very

question which the Petitioners themselves have stated for review. Suffice it to say, the Respondents have denied any retaliatory conduct towards the Petitioners.

ARGUMENT ON BEHALF OF RESPONDENTS

THE RESPONDENTS ARE ENTITLED TO QUALIFIED IMMUNITY BECAUSE THE ALLEGED "RIGHTS" WERE NOT CLEARLY ESTABLISHED

The primary difference between the decision of the District Court and the Sixth Circuit Court of Appeals concerns whether it was clearly established that the student had constitutional rights under the Code of Conduct which a reasonable official would have known would be violated if corporal punishment was administered in spite of parental objection. Cp./cf. Petition, App. C-5, C-6, A-18, A-19.

The key to the first issue is whether it was clearly established that a violation of the Code of Conduct was a violation of a constitutional right; whether a reasonable school official would be so aware. As the Sixth Circuit explained, referring to *Woodward v. Los Fresnos Independent School District*, 732 F.2d 1243 (5th Cir. 1984), "[i]f the United States Court of Appeals for the Fifth Circuit is unable to equate a regulatory violation with a constitutional violation in this factual context [a school paddling case], we are at a loss to see how an eighth-grade school teacher could be expected to do so." Petition, App. A-19.

The applicability of qualified immunity in the context of alleged regulatory violations is not, as this Court has indicated, "an exact science." *Kentucky Department of Corrections v. Thompson*, 490 U.S. 454, 462, 109 S.Ct. 1904, 104 L.Ed.2d 506 (1989). For a regulatory violation to give rise to a constitutional violation of a liberty interest, the regulation must be mandatory and a particular outcome must follow. *Id.*, 490 U.S. at 462-3, *Hewitt v. Helms*, 459 U.S. 460, 103 S.Ct. 864, 74 L.Ed.2d 675 (1983). Each case must necessarily be determined on its own facts. Not surprisingly, the outcome varies depending largely upon the subject and wording of the particular regulation involved. A review of the relevant decisions demonstrates that Courts have struggled with whether the language of the statute/regulation is mandatory; whether a particular substantive outcome is mandated; whether a party has a legitimate expectation that a particular result will follow from a particular, required action. *E.g., Tony L. v. Childers*, 71 F.3d 1182 (6th Cir. 1995).

In order for an alleged right to be "clearly established" for purposes of abrogating qualified immunity, that very right at issue must have been clearly established as a constitutional right. *Davis v. Scherer*, 468 U.S. 183, 194, 104 S.Ct. 3012, 82 L.Ed.2d 139 (1984). "Officials sued for constitutional violations do not lose their qualified immunity merely because their conduct violates some statutory or administrative provision." *Id.*

There are no known cases holding that violation of school system policy on the administration of corporal punishment constitutes a violation of a constitutional right. To the contrary, as pointed out by the Sixth Circuit, that claim had been specifically rejected in *Woodward*,

supra. The District Court relied upon prison regulation cases (*Franklin v. Avcock*, 795 F.2d 1253, 6th Cir. 1986; *Spruytte v. Walters*, 753 F.2d 498, 6th Cir. 1985) and a decision involving a Michigan police "fleeing felon" procedures (*Washington v. Starke*, 855 F.2d 346, 6th Cir. 1988) in reaching the conclusion that a violation of the corporal punishment policy would state a claim for violation of due process. In so doing, the District Court overlooked the requirement that "the law must be clear in regard to the official's particular actions in the particular situation." *Long v. Norris*, 929 F.2d 1111, 1114 (6th Cir.), *cert. denied*, 502 U.S. 863 (1991); *Walton v. City of Southfield*, 995 F.2d 1331, 1336 (1993). The cases relied upon by the District Court certainly did not clearly establish rights concerning corporal punishment of which a reasonable school official would be aware.

NO CONSTITUTIONAL RIGHTS WERE VIOLATED

Another difference between the two decisions below is whether there was a substantive due process violation at all. Both Courts agreed that the punishment was disciplinary, and did not "shock the conscience." Petition, App. A-17. The District Court, however, left the matter open due to the Petitioners' allegations of malice; the Sixth Circuit Court of Appeals properly found the record devoid of any evidence of malice in the administration of the punishment, and the circumstances of this case consistent with a number of (more egregious) corporal punishment cases holding that there was no substantive due process violation. *Id.*

The Petitioners seem to miss the point entirely; the qualified immunity issue is not even reached if there is no substantive due process violation in the first place. *Siegert v. Gilley*, 500 U.S. 226, 231-234, 111 S.Ct. 1789, 114 L.Ed.2d 277 (1991), *reh. denied*, 501 U.S. 1265, 111 S.Ct. 2920, 115 L.Ed.2d 1084 (1991). Further, even if the teacher did act with malice, nevertheless, if the teacher did not violate a constitutional right, the malice is immaterial. *Id.*, 500 U.S. at 234. The availability of qualified immunity does not depend on the actor's subjective state of mind, as the test is an objective one. *Graham v. Connor*, 490 U.S. 386, 397, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989); *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982). If the test were subjective, then the Respondents would still be entitled to qualified immunity, because it is uncontroverted that all three believed in good faith that the parent Randy Saylor, Sr. had authorized the teacher Sam B. Saylor to administer corporal punishment on the student Randy Saylor, Jr.

The Petitioners have admitted that the corporal punishment was administered for disciplinary purposes. The Petitioners have admitted that while the paddling did result in bruising, the injury was not severe. Thus, the paddling itself did not constitute a violation of any constitutional rights. *Ingraham v. Wright*, 430 U.S. 651, 97 S.Ct. 1401, 51 L.Ed.2d 711 (1977).

It is also submitted that the school policy in question did not create any rights of constitutional dimensions, or at least not under the facts of this case. First, the parents did not themselves follow the policy as they did not object to corporal punishment upon enrollment of their son during the school year in question. Second, the policy

does not guarantee a particular substantive outcome; the school officials do retain discretion and flexibility under the policy even if the parents do properly and timely object to corporal punishment.

Further, even if the policy did create a constitutional right, it was not violated by the Respondents. There had been a parental objection to corporal punishment in the past. Disciplinary problems continued and there was a parent/teacher conference. Following that conference, the teacher believed he had been authorized to administer corporal punishment, and he communicated that authorization to the principal and assistant principal. The student did not resist corporal punishment based on parental objection. The student was informed of his options, the consequences of those options, and ultimately himself chose corporal punishment.

Finally, as addressed above, any rights arising under the school Code of Conduct were no so "clearly established" as to abrogate qualified immunity.

CONCLUSION

Wherefore, for all of the foregoing reasons, it is respectfully requested by Respondents that the Petition for a Writ of Certiorari be denied.

Respectfully submitted,

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APPENDIX

HARLAN COUNTY BOARD OF EDUCATION

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ROBERT W. SHEPHERD
SUPERINTENDENT

CODE OF CONDUCT

Harlan County Schools

HARLAN COUNTY SCHOOLS
DISCIPLINE CODE

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BOARD OF EDUCATION
and
SUPERINTENDENT'S MESSAGE

It is an honor for us to have been elected by the citizens of Harlan County to serve in this important role. The children are our most precious resource. It is both pleasure and obligation to insure that the students receive the excellent in education which they deserve. As

you rear your children and instill in them an appreciation for learning, we too, take pride in knowing we are striving to provide good teachers and to improve the physical environment of the Harlan County Schools.

Kentucky Law (KRS 160.290) provides, "Each board of education shall have general control and management of the public school in its district . . . and each board shall exercise generally all powers in the administration of its public school system, . . . each board shall make and adopt, and may amend or repeal, rules, regulations and bylaws for its meetings and proceedings for the government, regulation and management of the public schools and school property of the district, for the transaction of its business, and for the qualification and employment of teachers and conduct of pupils . . . "

Every day that school is in session there is something being taught that is a part of the total education of the student. The student has the responsibility of being in class on time and using the time wisely. We have the responsibility of making the instructional program more meaningful.

All of us have responsibilities, all of us have rights. The majority of our young people practice the proper self-discipline. However, rules, including legal restrictions, are necessary. Expected behavior is outlined in this document. Through unified effort the process of education runs smoothly and progressively.

We appreciate the individuals who so kindly served as a committee to review and revise this code.

The Harlan County Board of Education
and

/s/ Robert W. Shepherd
Superintendent of Schools

HARLAN COUNTY BOARD OF EDUCATION
HARLAN, KENTUCKY

Benny Dale Coleman, Chairman
David Clay Lewis, Vice Chairman
Ronnie Ball
Willie Enix
Garry Henson
Robert W. Shepherd, Superintendent

"The Harlan County Board of Education does not discriminate on the basis of sex in the educational programs or activities which it operates, and is required by Title IX of the Educational Amendments of 1972 (P. L. 92-318), not to discriminate in such a manner. Further, the Board of Education does not discriminate on the basis of handicap, in treatment, admission, or access to, or employment in, its programs or activities, as required by the Rehabilitation Act of 1973 (P. L. 93-112), as Amended, Section 504; nor does the Board of Education discriminate on the basis of race, color, national origin, religion, creed, or martial [sic] status, in the education programs or activities it operates."

The intent of the Disciplinary Code of the Harlan County Schools is to provide a positive school climate, provide a clear set of proper school discipline regulations, establish uniform guidelines for the administering of corrective measures for infractions of the code, and classify the due process procedures as related to the code.

DEVELOPMENT, REVIEW AND ORIENTATION PROCEDURES OF CODE OF CONDUCT AND RIGHTS AND RESPONSIBILITIES

DEVELOPMENT – A committee composed of school central office staff, principals, teachers, parents, students and interested citizens developed this document. It was then adopted by the local Board of Education.

REVIEW – This Code of Conduct and Rights and Responsibilities shall be reviewed/revised on an annual basis within one month of the ending of the school term by the Code of Conduct Committee.

ORIENTATION – The principal of each school will set a date and time within the first week of the school year for annual orientation of the Code of Conduct and Rights and Responsibilities for teachers, parents, and students. A copy of the Code will be given to each student.

MEMBERS OF THE COMMITTEE

Clarence T. Scott – Chairman and Contact Person, 573-4330

Suzanne Barrett	Josh Hensley	Kale Saylor
James Burkhart	Wallace Napier	Grace Ann Tolliver
Roland Cornett	Dillard Prater	Robin Allen
Stephanie Daniels	Harold Madden	Diana Creasey
Nancy Bryant	Eugene Stagnolia	

PHILOSOPHY

It is the intent of the Harlan County Board of Education to prepare students to fulfill positive roles in society. That this may be accomplished, a school climate in which there exists respect and trust between students, teachers, administrators, and parents/guardians is an absolute necessity. To ensure that federal and state laws which guarantee rights and freedoms to every citizen, this code of conduct has been developed. At the same time every citizen has the responsibility to respect the identical rights of others. For students to have a successful educational experience, they must understand that individual rights and responsibilities go hand in hand. In this regard, the student discipline code becomes an integral component of the education process and a symbol of the committment of parents, students and administrators to the maintenance of an effective learning environment.

STUDENT GRIEVANCE PROCEDURES

The Harlan County Board of Education has established and adopted a Communications and Grievance Procedure. This procedure is to be used by students, teachers, parents, principals or any member of the community who has any question on the rules and regulations or policies of the Board; or any communication they wish to present to the board. Appropriate forms may be obtained in the principal's office.

ATTENDANCE REQUIREMENTS

A. 159.010 Parent or custodian to send child to school; age limits for compulsory attendance; written notification sixty days prior to withdrawal counseling session required.

(1) Except as provided in KRS 159.030, each parent, guardian or other person residing in the state and having in custody or charge any child between the ages of six (6) and sixteen (16) shall send the child to a regular public day school for the full term that the public school of the district in which the child resides is in session, or to the public school that the board of education of the district makes provision for the child to attend. A child's age is between six (6) and sixteen (16) when the child has reached his sixth birthday and has not passed his sixteenth birthday.

(2) An unmarried child between the ages of sixteen (16) and eighteen (18) who wishes to terminate his public or non-public education prior to graduating from high school shall do so only after a conference with the principal or his designee, and the principal shall request a conference with the parent, guardian or other custodian. Written notification of withdrawal must be received from his parent, guardian or other person residing in the state and having custody or charge of him sixty (60) days prior to withdrawal. The written notification shall be dated and the signature witnessed by the principal of the school or his designee, where the child is in attendance. During the sixty (60) day period the parent(s) and child shall be required to attend a one (1) hour counseling session where they shall view a media presentation prepared by

the department of education which shows economic statistics and other information on potential problems of non-graduates.

(3) A child's age is between sixteen (16) and eighteen (18) when the child has reached his sixteenth birthday and has not passed his eighteenth birthday. Written permission for withdrawal shall not be required after the child's eighteenth birthday. Every child actually resident in this state is subject to the laws relating to compulsory attendance, and neither he nor the person in charge of him shall be excused from the operation of those laws or the penalties under law on the ground that the child's residence is seasonable or that his parent is a resident of another state.

B. 159.150 Definition of Truancy

Any child who has been absent from school without valid excuse for three (3) or more days, or tardy on three (3) or more days, is a truant. Any child who has been reported as a truant three (3) or more times is an habitual truant. Being absent for less than half of a school day shall be regarded as being tardy.

C. PHILOSOPHY STATEMENT

The Harlan County School System firmly believes that attendance is a student, parent, and community responsibility. The intent of the attendance procedure for the Harlan County Schools is to provide a structure within which students do gain maximum benefits from the instructional program. Regular attendance is necessary if students are to receive adequate guidance through their class work and benefit from the discussions. All students

are expected to attend class every day that school is in session. The progress of a student at school depends greatly on the punctuality and regularity of attendance. It is desirable that every student should be in the designated area five minutes before the beginning of school. Also, each student should be in class on time.

D. NON-CREDIT/NON-PROMOTION

In order for a student to be promoted to the next grade level in grades K-8 or to receive credit for a high school course he/she must be in attendance for 155 days (20 days absent) each school year (or 77 days/10 days absent) for student enrolled in a semester course at the high school level. Absences in kindergarten through the eighth grade are calculated on a period by period basis for each class.

Credit at the high school is given on a semester basis. Students are expected to miss no more than ten (10) days per semester in order to receive credit for the course work taken that semester. Absences on the high school level are calculated on a period basis for each individual class.

When a student must be absent from school for illness death in family, communicable disease, injury, quarantine or other unforseeable emergency, it is the responsibility of the parent/guardian to call or write a note to the school where the child is enrolled to inform the principal of the reason for absence.

The written excuse should include the full name of student, date or dates, reason, and full signature of the parent/guardian.

If, due to an illness or an injury, it is believed by the principal, assistant principal, teacher, counselor or parent, that a student will be absent from school for a week or more, efforts are to be made to place that student on homebound instruction.

E. HOMEBOUND INSTRUCTION

Homebound instruction is offered for two hours a week to students who are certified by a statement from a physician, psychologist, physchiatrist and/or health officer as unable to attend school for an extended time. It is designed as a temporary measure and is not intended to take the place of regular classes. Parents should get a homebound form from their child's principal before any scheduled hospital visit or if they anticipate the doctor will require the child to remain home for four or more days.

F. EXCUSED ABSENCES/TARDIES

A student is expected to regularly attend school and to be punctual. If a student receives an excused absence, the student is expected to accept responsibilities to see the teacher and ask what work is to be made up. The student will have one day to make up work missed for each day of school missed. Students leaving school early shall have their absences excused only for reasons designated in this policy as excused. The principal or his designee shall be responsible for assigning excused absences. Absences for reasons other than those listed below will be unexcused and students will not be allowed to make up any work.

The following rules and regulations do not take precedence over the truancy laws of the Commonwealth of Kentucky.

1. student is sick and has a note from parent (limit two (2) consecutive days only except for infectious disease, limit _____ days per year;

2. student is six for three (3) or more days and has a doctor's statement/hospital slip (For chronic illnesses one doctor statement should be sufficient);

3. medical or dental appointments that cannot be made for after school hours. (Verification by a slip from the doctor confirming date and time);

4. serious illness in immediate household;

5. court subpoena;

6. death of a relative or attendance at a funeral;

7. natural disaster beyond control of student;

8. interviews for college or vocational school (Pre-approved by school official and verification of interview will be required);

9. school sponsored trips are not absences as they relate to the Attendance policy (Student participating in such trips are required to do work missed while out);

10. other valid reasons acceptable to the principal, but not to exceed 5 days per year.

All other absences/tardies will be considered unexcused absence/tardies.

Definition of unexcused absence: A student who is absent for part or all of the school day for reason other than set forth above regarding excused absences.

Definition of unexcused tardiness: A student who is absent without a valid excuse for less than half a school day, including being absent from a class for a part of a class period. Only one tardy per day is counted against a student for truancy purposes.

Examples of absences from class which may not be excused include but are not limited to the following:

1. Indifference of parent
2. Too poor to come to school
3. Working at home or business
4. Transportation (missed bus)
5. Distance from school or bus
6. Unknown by school or parent
7. Suspension
8. Oversleeping
9. Baby sitting
10. Going somewhere with parent since there will be no one home to receive them in the afternoon.

G. ABSENTEEISM LIMITS – K-8

- No student will be given credit for any grade level or class if twenty (20) or more classes/ days are missed during the year except by recommendation of the school principal.

- After a student has missed classes/days (10) times (accumulated) during the year, the teacher will notify the principal. The principal shall notify the parent by MAIL and schedule a conference with the parents. The conference should be scheduled no later than three (3) days after the notification could be expected to be received by the parent, whenever possible.

- The principal shall set up the time for the conference.

- The Director of Pupil Personnel shall notify parents by certified letter when a student has been truant 6 days.

- Parents shall be notified by their child's principal of the loss of credit and absence after twenty (20) days of absence.

ABSENTEEISM LIMITS – 9-12

Year Courses

- No student will be given credit for grade level or classes if twenty (20) or more classes/days are missed during the year except by the recommendation of the school principal.

- After a student has missed classes/days (10) times, (accumulated) during the year, the principal shall notify the parent(s) by MAIL and schedule a conference with the parent(s). The conference should be scheduled no later than three (3) days after the notification could be expected to be received by the parents, whenever possible.

- The principal or his/her designee shall set up the time for the conference with the agreement of the parents.
- The Director of Pupil Personnel shall notify parents by certified letter when a student has been truant 6 days. The notification shall include the warning that twenty (20) absences from class may result in failure.
- The principal or his designee shall set up the time for the conference.
- Parents shall be notified of the loss of credit by the principal after twenty (20) days of absences.

Semester Courses

- No student will be given credit for a class/ classes if 10 or more days are missed in the semenster/(If a student has missed ten (10) classes, one-ninth of the semester has been missed).
- After a student has missed a class/classes five (5) times accumulated during one semester, the parent will be notified by MAIL.
- PARENTS shall be notified of the loss of credit and/or absences after ten (10) class/ classes absence.

PAGING DEVICES

1. A student in a public school shall not possess a paging device while on school property or while attending a school-sponsored or school-related activity on or off school property unless the student is in attendance in the

capacity of an active member of a volunteer emergency medical services organization.

2. A person who discovers a student in possession of a paging device in violation of this section shall report the violation to the appropriate school administrator, as determined by school policy, who shall order a peace officer or appropriate school employee to confiscate the device, which is forfeited to the school district.

3. In this section, "paging device" means a telecommunications device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor.

Failure to comply with the above provisions of HB.88, will result in punishment through consequence A, B, C or D.

CRIMINAL VIOLATIONS

Students are accountable to their school in their role as students as well as to the law in their capacity as citizens. The criminal laws of the Commonwealth of Kentucky and of the federal government apply to the conduct of all persons on school property. Violations should be dealt with according to these laws and the local school board policy.

Criminal offenses are acts which result in violence to another person or his property or which pose a direct threat to the safety of others in the school. Such offenses are clearly criminal.

Due to the seriousness of criminal offenses, the student's continued presence in the school would constitute

a threat to other persons and would have a negative impact on the general morale of the school. Verified criminal conduct could result in the immediate removal of the student from the school, pending a hearing before the board in accordance with KRS 158.150.

Schools should report these offenses to the appropriate law enforcement agency and assist these agencies in investigating and prosecuting the offender. In cases of assault and/or battery on a student or school employee, it is suggested that these persons press charges. The district should encourage this practice and give full support to the aggrieved individual in the legal pursuit of this matter.

A student charged with criminal conduct should be given a full due process hearing before the board, which should take prompt and appropriate action. Since disciplinary action by the school in criminal matters does not constitute "double jeopardy", the board need not await the disposition of the hearing or trial.

CORPORAL PUNISHMENT

Corporal punishment should not be employed as a first line of punishment, but may be used if other methods fail.

Students should be forewarned that specific misbehavior could lead to spanking.

A teacher or principal must administer corporal punishment in the presence of a second school official.

The second official (witness) must be informed beforehand and in the presence of the student the reason for the punishment.

The teacher or principal who has administered the punishment must provide to the student's parents, upon request, a written explanation of the reason for the punishment and the name of the school official who was present.

The teacher or principal who deems it necessary to paddle must consider the age, size and sex of the child as well as the gravity of the offense. Should there be any medical reason for the student not to be corporally punished, the parent/guardian should so notify the teacher/principal.

In cases of parental objection to corporal punishment an alternative course of action will be determined through a conference with the principal, referring teacher, parent(s) and student. If parents object to corporal punishment it is their responsibility to notify the proper school official upon enrollment of the student. It may be necessary to remove the student from the class/school until the parent(s) can be notified for a conference.

SEARCH AND SEIZURE

Lockers are the property of the school and are subject to the board's regulation and supervision. Locker inspection or searches are not carried out as a harassment technique but as a duty when the health, safety, or welfare of students in [sic] involved. In a search and seizure situation the following procedures shall be followed:

A student's person will be searched only when there is reasonable suspicion that the student is concealing evidence of an illegal act or school violation. Illegal items (weapons, firearms, etc.) or other possessions reasonably determined by the proper school authorities to be a threat to the student's safety, or security and others' safety or security may be seized by school officials.

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession by a staff member. These items may be returned to the student by the staff member or through the office.

A general inspection of school properties such as lockers, desks, etc. may be conducted on a regular basis. During these inspections, items which are school property may be collected. (Example: over-due library books).

Illegible which have been seized will be turned over to proper authorities or returned to the true owner, depending on the situation. The student may have the opportunity to be present when a search of personal possessions is to be conducted unless: (1) the student is absent from school, or (2) school authorities decide the student's presence could endanger the pupil's health and safety.

DISCIPLINE AND THE EXCEPTIONAL STUDENT

Identified exceptional students in the Harlan County Schools should be instructed in areas relevant to responsible pupil conduct. This should include drug-alcohol and moral-values education. Exceptional students are

expected to conform to school rules, as are their non-handicapped peers. Thus, definite terms suspensions of exceptional students are permissible in that they do not create a "change in placement" for purposes of the federal special education laws. Indefinite suspensions, however, do constitute a "change in placement for purposes of the law and cannot arbitrarily be used by school administrators to punish exceptional children for rule infractions. Expelling an exceptional child from school is viewed by the courts to be a "change in placement" and can only be utilized by the Admissions and Release Committee (ARC). The ARC must make the determination that the infraction committed by the exceptional student which warrants expulsion, is unrelated to the child's handicapping condition. For further discussion and clarification refer to the districts' "Policies and Procedures for Exceptional Children Handbook."

SUSPENSION AND EXPULSION

KRS 158.150 – "All pupils admitted to the common schools shall comply with the lawful regulations for the government of the schools. Willful disobedience or defiance of the authority of the teachers or administrators, use of profanity or vulgarity, assault or battery or abuse of other students or school personnel, the threat of force or violence, the use or possession of alcohol or drugs, stealing or destruction or defacing of school property or personal property, the carrying or use of weapons or dangerous instruments, or other incorrigible bad conduct on school property as well as off school property at school sponsored activities constitutes cause for suspension or expulsion from school."

Suspension from the Harlan County Schools is a severe disciplinary measure. Suspension is usually for one (1) to three (3) days although it can be longer. A student who receives a first suspension may or may not be required to return to school with his/her parents. Students who receive a second or third suspension during a school year will be required to have one or both parents meet with the principal or assistant principal before being allowed to return to school. A fourth suspension could result in expulsion for the remainder of the school term.

Students on suspension or expulsion are not eligible to participate in any school activities. Snow days, holidays, or weekends do not constitute suspension days.

When a student is on suspension/expulsion, all teachers of that student shall be notified by the principal.

The following student violations may constitute cause for suspension or expulsion and in some cases notification of higher authorities may be required:

- Smoking on school property.
- Malicious mischief: destruction or defacement of school or personal property, – damages will be paid by students and/or parents/guardians.
- Malicious setting off [sic] fire alarm.
- Burglary: theft of school or personal property.
- Possession and/or use of any weapons, dangerous instruments or any type of explosive (including smoke bombs).

- Making a threat that a bomb has been placed in or is about to explode on school property or at a school sponsored activity.
- Use of, possession of, transmittal of, or under the influence of alcoholic beverages, illegal drugs, materials, or controlled or illegal substances.
- Extortion, blackmail, or coercion – obtaining money or property by violence or threat of violence, or forcing a person to do something against his/her will by force or threat of force.
- Gambling.
- Willful disobedience of the authority of teachers/administrators or other school personnel.
- Assault/battery: physical threats or violence to other persons.
- Arson: intentional setting of fire.
- Trespassing: presence in an unauthorized place or refusal to leave when ordered to do so.

Fighting on school property (any student who finds himself/herself the victim of harassment should notify a teacher or principal).

Skipping class (includes over 10 minutes tardy).

Vulgar or profane or disrespectful language or behavior in school, on school grounds, or on school buses.

Any act endangering the health and safety of fellow students and/or school staff.

Reckless driving and/or speeding on school property.

Leaving school grounds without permission or under false pretenses.

Falsely using the name of another person, or falsifying documents or correspondence from or to the school.

Excessive tardiness.

Untruthfulness to teachers or other school staff.

Violating the conditions of probation or suspension.

Disorderly conduct which is disruptive to the orderly educational procedure of the school.

Being on school grounds or in school building without authority or permission of school personnel (suspended students are not allowed on school property).

Disruptive behavior on a school bus enroute to or from school or school functions or at a bus stop.

State and/or Federal Offense.

A probationary period may be established for students when a school principal determines that a student would benefit more by remaining in the classroom or an alternative program, than by incurring out-of-school suspension. When a suspension has been meted for a certain number of days after a due process hearing, as required by the Code, the principal may, at his discretion, probate the suspension for a period not to exceed the remainder of the school year on condition of good behavior of the student during the period of probation that, in his sole judgement, the student has been guilty of any improper

behavior, the probation may be revoked by the principal and the suspension immediately implemented.

A student who receives a fourth suspension during a school year will face possible expulsion. This expulsion will be considered in a hearing at the next regularly scheduled Board of Education meeting. A student who is expelled will usually be allowed to re-enter school the following year but on a probationary basis.

In case of an extremely serious offence, a student may be expelled before reaching a total of four suspensions.

A student is prohibited from entering any school or any school grounds (except for a prearranged conference with an administrator), attending any day or night school function (except those open to the public) of the Harlan County Public School or riding a school bus during the term of suspension. Violation of this is cause for expulsion.

BUS SAFETY RULES AND POLICIES
702 KAR 5:090. Pupils' Responsibilities

Relates to KRS 156.160, 189.540
Pursuant to KRS 13.082, 156.070, 156.160
Necessity and Function: To make the pupils that ride the buses to and from school aware of their responsibilities relating to pupil transportation.

Section 1. Pupils shall wait at their assigned bus stop off the traveled roadway and shall remain there until the driver has stopped the bus and opened the entrance door, and signaled the pupils to enter the bus.

Section 2. When pupils must cross the roadway to enter the bus or cross the roadway when leaving the bus, they shall not cross the roadway until signaled to do so by the driver.

Section 3. For safety reasons, when the pupils are required to cross the roadway when entering the school bus or leaving the school bus, these roadway crossings shall be made in front of the bus. The pupils shall cross the roadway a distance of approximately ten (10) feet in front of the bus in order that they may be seen by the bus driver.

Section 4. When pupils enter the bus, they shall proceed promptly to their assigned seat.

Section 5. Pupils shall remain seated until the bus has come to a complete stop before leaving their bus seats to get off the bus.

Section 6. For safety reasons, pupils shall not extend their arms, legs, or heads out the bus windows while the bus is in motion.

Section 7. Pupils shall not change from one seat to another while the bus is in motion unless given permission by the bus driver to do so.

Section 8. Pupils shall not create noise on the bus to the extent that it might interfere with the driver's ability to hear the signals of emergency vehicles or an approaching train.

RIGHTS AND RESPONSIBILITIES.

The United States Constitution provides for the protection and safeguard of all people. In this same vein, there is responsibility inherent in all rights. Therefore, all participants in the schooling process must exercise the self-discipline and care necessary to afford others the same rights and to guarantee that their own actions do not infringe upon the rights of others. Further, all participants have the right and responsibility to know and understand the basic code of conduct expected of them. The following paragraphs outline both the rights and responsibilities of all participants.

A. Student Rights. All students have the right to:

1. attend public schools which maintain high educational standards and meet individuals needs.
2. be informed of rules, regulations, policies, and penalties to which they may be subjected and to be assured of all due process of rights.
3. be respected as a worthwhile person.
4. reasonable physical protection and safety of personal property.
5. seek advice and counseling in academic, personal, social and career related concerns.
6. free student elections for organizations within the school or their counterparts within the state or nation.
7. candidacy and to hold office in student organizations within the school or within the state or nation.
8. access to and interpretation of their own personal school records if 18 years of age, or older,

or if younger, with consent of parents/guardians.

9. examination of their personal school records by the parents/guardians or their authorized representative.

10. expect that when information is offered in a disciplinary case, the confidentiality of the student will be respected unless the testimony of the student is required in a hearing in the school or before the Board of Education or in a court proceeding.

11. receive academic grades based on academic performance.

12. expression of their point of view so long as it does not infringe on the rights of others.

13. make recommendations regarding classes offered and to select and participate in classes which will best meet individual needs.

14. wear clothes which are attractive, fashionable or modish provided they are properly fitted and nor hazardous or harmful to themselves or others.

B. Students have the responsibility to:

1. attend all classes daily and on time, unless excusable circumstances prevent them from doing so.

2. provide the school with an admissible explanation and documentation concerning each absence.

3. obtain and make-up, within a specific time, work which has been missed.

4. abide by school bus rules.

5. become familiar with and observe the laws, policies, and regulations which concern their conduct.

6. behave in such a manner that uninterrupted learning can take place.

7. observe the basic standards of cleanliness, modesty, and good grooming and dress in a manner that is not disruptive to a classroom setting.

8. wear clothing which contributes to their own health and safety as well as that of others. Also do not wear clothing that advertises vulgar or profane language or drugs.

9. show respect for fellow students, all School Board personnel, and authorized school visitors.

10. neither take nor damage the property of other students or school personnel.

11. respect the privacy of the property and the individuals who live in the area surrounding the school grounds and bus stops.

12. respect and maintain the property of the school system.

13. express themselves without violating the rights of others or interfering with the orderly educational process.

14. behave in such a manner as will serve as an example and guide to other students, if serving on the Student Government.

15. organize and conduct clubs and groups in an orderly manner, without discrimination.

16. respect the rights, property and privacy of other students and school personnel.

17. carry only those materials which are acceptable under the law, and which are not hazardous to any person or property, and to accept the consequences for prohibited articles stored in their lockers.

C. Teachers have the right to:

1. the support of co-workers and administrators.

2. work in an educational environment with a minimum of disruptions.

3. expect all assignments including homework, to be completed and turned in as assigned.

4. discipline a student for disruptive behavior and to refer him/her to guidance counselor or to the school administrator.

5. administer corporal punishment only in the presence of another teacher or the school administrator.

6. enjoy safety from physical harm and freedom from verbal abuse.

7. take action necessary in emergencies to protect their own person or property or the persons or property of those in their care.

8. withhold permission for student exemption from class for other activities when absence from class would affect student's academic achievement.

D. Teachers have the responsibility to:

1. maintain an orderly classroom.

2. prepare adequate lesson plans for an effective program.
3. enforce the course of study, the use of the legally authorized textbooks, and the rules and regulations prescribed for the Harlan County Schools.
4. encourage the development of trust, cooperation and responsibility.
5. make an effort to improve the self-image of each student through positive reinforcement.
6. maintain necessary records of student progress and attendance as accurately as possible.
7. inform parents/guardians of children's successes, problems or failures promptly.
8. deal with discipline problems personally until all strategies at the teacher's command have been exhausted.
9. hold pupils to a strict account of their conduct in school, on the way to and from school, on the playgrounds, in the lunchrooms and cafeterias, and during intermission or recess.

E. Parents and Guardians have the right to:

1. send their child to a school with a positive educational climate.
2. expect classroom disruptions to be dealt with fairly, firmly, and quickly.
3. be informed immediately of any discipline problem requiring suspension or expulsion of their child.
4. review the child's academic progress and other pertinent information which may be contained in the student's personal records.

5. expect their school to maintain high academic and accreditation standards.

6. address grievances concerning their child by following procedures as outlined in the Harlan County Complaint and Communications Procedures.

F. Parents and Guardians have the responsibility to:

1. establish and maintain, in the home, a positive attitude toward education.

2. instill in their children a sense of responsibility.

3. insure their child's regular daily attendance and promptness to school.

4. report and explain any absence to the school.

5. show an interest in their child's work and progress through regular communication with the school.

6. inform the school of any condition or circumstance which may effect [sic] their child's ability: to learn, to attend school regularly, or to participate in school activities.

7. cooperate with the school when their child is involved in a disciplinary matter.

G. Principals have the right to:

1. expect staff members to comply with policy and directions of the principal.

2. suspend any student whose conduct disrupts the educational process.

3. expect respect from students, parents/guardians and staff members.

H. Principals have the responsibility to:

1. develop within the school a good working relationship among the staff and with the students.
2. provide and maintain an atmosphere conducive to good behavior and learning.
3. develop and direct a program of instruction that will meet the needs of students and that will encourage high academic achievement.
4. actively solicit parent and community involvement in the total school program in order to promote a more positive parent-community-school relationship.
5. administer discipline fairly and equally, following the guidelines set forth herein, but also using his/her own judgement.
6. follow due process procedures in all cases involving staff and students.
7. provide a minimum of six (6) full hours of instruction per school day.

APPLICATION OF CODE

The solution to a problem or the resolution of a conflict, within the educational setting, can be accomplished on an informal basis by the people most frequently involved: the teacher and the student. Every effort should be made by the teacher to handle the situation with the student at the time unacceptable behavior occurs. If it is misconduct of a serious nature, referral to the principal may be in order.

The code outlines those kinds of student behavior which are considered unacceptable, and the consequences

of such behavior. A range of consequences has been provided for each incident of misconduct. The range is offered in order to provide school personnel with some flexibility in dealing with unacceptable behavior. At all times, in disciplinary action, due process will be followed.

II. ATTENDANCE

A. FAILURE TO MAKE UP WORK

Failure to make up work within alloted time after an excused absence.

(2 days for each day of absence).

Example: 3 days absent, 6 days to make up work.

Consequence A

B. UNEXCUSED ABSENCES

1. Failure to phone or bring note from home upon return to school; failure to bring doctor's note upon request.

2. Absent from any class without permission.
Consequence B

C. UNEXCUSED TARDIES

Failure to enter class within established schedule.
Consequence C

D. LEAVING CLASS WITHOUT PERMISSION

Leaving class without permission but remaining on campus.
Consequence D

E. LEAVING SCHOOL WITHOUT PERMISSION

Leaving school grounds without permission.
Consequence D

F. MISCONDUCT ON BUS

Misconduct on the bus that could result in injury to self and/or other occupants of the bus or to persons outside the bus or damage to the bus by malicious acts.
Consequence E

CONSEQUENCES

A. 1. Zero grade for all assigned work tests/exams.

2. Teacher/Student conference.

3. Parent notification.

4. Guidance/Principal referral.

5. If there is reason to question the note excusing the absence, the student may be referred to the Director of Pupil Personnel for further investigation.

B. 1. All assigned work (homework, classwork, and tests) missed during any unexcused absence will be given a zero grade. All such zeros will be included in the average of the final grade of marking period.

2. Teacher/Student conference.

3. Parent must be notified after any three (3) days of unexcused absence.

4. After three (3) days of unexcused absence, the student will be referred to guidance and administration.

5. After six (6) unexcused absences, the student will be referred to the Director of Pupil Personnel.

6 Suspension.

C. 1. Missed work automatically recorded as zero.

2. Parent must be notified after any three (3) unexcused tardies.

3. Detentions or essay on importance of promptness (each to be acknowledged by signature of parent.)

4. Referral to guidance and administration.

5. Corporal punishment may be given to student by administration, being witnessed by one other person.

D. 1. Zero grade for work missed.

2. Teacher/Student conference.

3. Guidance/Administrative referral.

4. Parent notification.

5. Detention.

6. Corporal punishment.

7. Police involvement when necessary.

E. 1. Driver reports incident.

2. Parent notification.

3. Principal/Driver/Student conference.

4. Suspension from school bus. (This does not excuse student from school. Parents are responsible for transportation.)

5. Payment for damages committed by student.

6. Up to 10 days suspension from school and all school activities.

II. GENERAL MISCONDUCT

A. MINOR MISBEHAVIOR

1. Failing to have appropriate materials and supplies (books, paper, pencil, etc.).
2. Throwing waste or trash on floor or school grounds.
3. Whispering or making rude and unnecessary comments.
4. Bringing unauthorized items to school (radios, tape players, recorders, toys, pets, or any other disruptive materials).
5. Bringing unauthorized visitors to school including young children.
6. Using class time improperly.
7. Losing or damaging textbooks, library books, or related materials.
8. Failing to complete assigned work.
9. Using profane, obscene, indecent, or immoral language and/or gestures.
10. Unacceptable physical contact (hitting, pinching, hairpulling, etc.).
11. Running in halls and buildings.

Consequence A

Consequence B

B. MAJOR MISBEHAVIOR

1. Posting or distributing unauthorized material on school grounds. (Example: pornographic).

2. Defiance of authority.
3. Gambling.
4. Throwing or projecting any type of object.
5. Leaving the classroom without a pass.
6. Cheating and/or copying.
7. Willfully defacing equipment and facilities.
8. Fighting and willfully engaging in physical contact for the purpose of inflicting harm on another person. NOTE: Students and parents may be responsible for medical or property damages.
9. Possession or use of tobacco products on school grounds.
10. Intimidating, insult by malicious remarks, or in other manner abuse verbally or in writing any member of the school staff or student body.
11. Displaying any unacceptable physical contact of a sexual nature (kissing, petting, etc.).
12. Conducting non-school related money raising drive.
13. Failing to obtain permission to solicit funds or operate fundraising activities.

Consequence A

Consequence B

Consequence C

Consequence D

C. CRIMINAL ACTS

1. Making a threat that a bomb has been placed, or is about to explode in a school, or initiating a false fire alarm.

2. Taking of property of others (students, teachers, visitors, etc.) without their consent, possession of stolen property, or possession without owner's permission, and selling of school property.

3. Possessing, distributing, selling or using drugs, marijuana, or other mood altering substance, drug paraphernalia, or alcoholic beverages anywhere on school premises.

4. Attempting to take property or money from another by the threat or use of force.

5. Possessing, distributing, selling or use of firearms, knives, explosives, and other dangerous weapons and objects on the school premises.

6. Possessing or distributing any material that would detract from the educational process or that is prohibited by law.

7. Using or possessing prescriptive drugs on school grounds without the knowledge of principal and/or teacher (student must have note from parent or doctor).

Consequence D

CONSEQUENCES

A 1. Teacher/Student conference.

2. Disciplinary action initiated by teacher (detentions; compositions expressing awareness of seriousness of offense, reviewed and signed (by parent).

3. Teacher/Parent conference.

4. Referral to administrator.

5. Confiscation of items until end of day, at which time they will be returned.

B. 1. Student/Teacher conference.

2. Teacher/Parent/Student conference.

3. Administrator referral.

4. Corporal punishment.

5. Restitution for damages to books or related materials.

C. 1. Referral to administrator.

2. Notify parents.

3. Teacher/Parent/Student/Administrator conference.

4. Up to 10 days suspension from school.

5. Corporal punishment.

D. 1. Principal involvement.

2. Police involvement.

3. Immediate parent notification.

4. Up to 10 days suspension and/or recommendation to superintendent and Board of Education for expulsion.

5. Confiscation of all unacceptable items (Example: fireworks, knives, drugs, etc.).

6. Search of lockers.

FREE SPEECH ASSEMBLY AND STUDENT PUBLICATIONS.

A. FREE SPEECH AND ASSEMBLY.

1. Failure to obtain prior approval for distribution or posting of communicative materials.

2. Failure to inform the principal of the intent to circulate petitions or surveys.

3. Circulating petitions or surveys during class time.

4. Boycotting of any required class or required school function such as an assembly.

5. Failing to obtain permission to hold a demonstration or holding one after having been denied permission.

6. Creating a disruption during a meeting, assembly, or at sports activities which endangers health, safety and/or damages property.

7. Inciting a riot or participating in one.

Consequence A

Consequence B

B. PUBLICATIONS

1. Printing articles, pictures, or comments which contain obscenities, libelous statement, or personal attacks.

2. Failing to obtain approval of contents by principal or his/her designee before printing of any school publication.

3. Failing to obtain permission to solicit funds or sell advertisement for school publications.

Consequence B

CONSEQUENCES

A 1. Referral to administrator.

2. Notify parents.

3. Teacher/Parent/Student/Administrator conference.
4. Up to 10 days suspension from school.
5. Corporal punishment.

B. 1. Principal involvement.
2. Police involvement.
3. Immediate parent notification.
4. Up to 10 days suspension and/or recommendation to superintent and Board of Education for expulsion.
5. Confiscation of all unacceptable items (Example: fireworks, knives, drugs, etc.).
6. Search lockers.

HARLAN COUNTY STUDENT DRUG POLICY

All drugs (medication) in the possession of a student must be registered in the principal's office immediately upon arrival at school each day.

If a student is taking medication, a note must be sent by the parent/guardian to the principal.

Arrangements can be made through the principal's office by the parent/guardian for long-term medication approval.

Any drug not registered in the principal's office may be considered an illegal drug at school.

For possession, use, or being under the influence of alcohol, drugs, or look-alikes while at school, on school grounds, or at school sponsored events on or away from

school grounds, the student will be subject to a minimum of (10) days suspension from school for a first offense. (Subject to provisions of Student Suspension and Expulsion Policy.)

Five days of this suspension may be waived if the family: 1) Decides to seek an evaluation of the student's alcohol/drug use from a qualified Chemical Dependency Counselor acceptable to the school board, and 2) completes any and all treatment as recommended in the evaluation, or 3) meets with the School student Assistance Coordinator or a school counselor individually, or in a group a specified number of times. (Note: The Harlan County Board of Education will not be responsible for the cost of said treatment/counseling.) Failure to complete both the evaluation and the treatment as recommended or to keep all specified appointments with the counselor or the coordinator will result in the reinstatement of the five day suspension that was previously waived.)

In addition, if no treatment is recommended the school may require that the student meet with the school counselor or the coordinator or complete a designated alcohol/drug education program in order to qualify for the waiver of the five days of suspension.

A second offense will result in immediate suspension and recommendation for expulsion for the remainder of the school year.

Sale or transmission of alcohol, drugs, or look-alikes will result in immediate suspension with recommendation for expulsion for the remainder of the school year.

Revision of this document was approved by the Harlan County Board of Education June 27, 1990.

CERTIFICATION OF RECEIPT

The signature below indicates that I as a parent/guardian of a student in a Harlan County School have received a copy of the Harlan County Schools Discipline Code and will communicate with my child to help him/her understand the rights and responsibilities he/she has as a student.

/s/ Debbie L. Sayler
Signature of Parent

/s/ Randy Wayne Saylor, Jr.
Printed Name of Student

Signature of Student

Coldiron, Kentucky
Address of Student

8th — Grade Level
Wallins Jr. High — School Name

Date